

RESOLUTION 38-2017

A RESOLUTION OF INTENTION TO ADOPT AMENDED SUBDIVISION REGULATIONS

WHEREAS, the 65TH Legislature and the Governor of Montana established an update to subdivision regulations; and

WHEREAS, House Bill 445 explicitly allows phasing developments; changes would allow a developer to submit a phased plan. The sections affected are: II.B3.f.(2) – Pre-application Procedure; II-C.6.a.(6) – Overall Development Plan; II-E.2. Preliminary Plat Process; Appendix 5 Pre-application checklist; Appendix 9 – Preliminary Plat Checklist; and Appendix 19 – Final Plat Checklist; and

WHEREAS, House Bill 416 specifies that the governing body's findings of fact must be based on the record of the subdivision application as a whole. The only section affected is II.E.1.h.under the preliminary plat review process; and

WHEREAS, House Bill 245 codifies the process for reviewing final plats to determine conformance to the preliminary plat and establishes a 20-working-day time period in which to complete the review. The sections modified in II-H, Final Plat Review Process are 2, 4.a. and 4.b.; and

WHEREAS, Senate Bill 219 clarifies an exemption for remainder parcels when the mortgage parcel transferred without foreclosure before October 1, 2003. Section VI. D.2.3.(2) Exemption Review Criteria was modified to include the required language.; and

WHEREAS, a correction to an old reference in the Pre-application checklist and a misnumbered paragraph were corrected; and

WHEREAS, the Madison County Board of Commissioners will publish notice of a public hearing on the proposed subdivision regulation update no less than 30 days prior to the public hearing in at least five (5) public places throughout the jurisdiction, including but not limited to public buildings; and

WHEREAS, after publishing and posting such notice, the Madison County Board of Commissioners will hold a public hearing to consider comments from the public regarding the proposed updates; and

WHEREAS, based upon the public comment received, the Madison County Board of Commissioners will address the concerns and make findings of fact; and

WHEREAS, following the conclusion of the public hearing, consideration of public comments, and findings of fact, the Madison County Board of Commissioners may pass a resolution to adopt the amended subdivision regulations; and

NOW, THEREFORE BE IT RESOLVED that the Madison County Board of Commissioners hereby:

- a) Adopts this Resolution of Intention to adopt amended subdivision regulations as proposed in Exhibit A; and
- b) Schedules a public review and comment period on the proposed amended regulations (attached), to culminate in a public hearing at 10:30 a.m. on January 16, 2018, in the Commissioners Conference Room, Madison County Administration Building, 103 W. Wallace, Virginia City, Montana.

Review copies of the amended subdivision regulations are available at the: (1) Madison County Commissioners Office, (2) Madison County Planning Office, and (3) Madison County Clerk and Records Office, Madison County Administration Building, Virginia City; (4) Public libraries in Madison County (Virginia City, Ennis, Sheridan and Twin Bridges) and (5) Madison County website, www.madisoncountymt.gov. Written comments on the proposed subdivision regulation updates should be sent to: Madison County Board of Commissioners, P.O. Box 278, Virginia City, MT 59755, or e-mailed to madco@madisoncountymt.gov. Written comments must be received by close of the January 16, 2018 public hearing.

PASSED and ADOPTED by the Madison County Board of Commissioners this 12th day of December, 2017

ATTEST:


James P. Hart, Chairman

Kathleen Mumme
Madison County Clerk and Recorder


Ronald E. Nye


Dan W. Allhands

Madison County Board of Commissioners

Exhibit A

Section	Subsection	Change	Purpose
II-B. Pre-Application Procedure			
	3.f.(2)	INSERT new (c) RENUMBER former (c) through (g)	HB 445 Phasing
II-C. Overall Development Plan			
	4.a.(6)	Change "planned" to "proposed"	HB 445 Phasing
II-E. Preliminary Plat Process			
	1.h.	INSERT new (7) RENUMBER former (7) to (8)	HB 416 Standard of Review
	2	INSERT NEW 2 Phased Developments, and subparagraphs a-d RENUMBER former 2 to 3	HB 445 Phasing
II-H. Final Plat Review Process			
	2	Modify title "Determination of conformance" to "Planner review of final Plat" and add required process with 20-day time limit	HB 245 Final Plat Review
	4.a.	Add reference to 20-working day deadline	HB 245 Final Plat Review
	4.b.	Add reference to 20-working day deadline	HB 245 Final Plat Review
VI.D. Exemption Review Criteria			
	2.d.	Correct section number from b. to d.	Housekeeping
	2.d.(2)	Modify to add subparagraph (a) referencing October 1, 2003 transfers	SB 219 Mortgage Exemption
Appendix 5 Pre-application checklist			
	2	change reference from appendix C to Appendix 6	Housekeeping
	5	ADD new 3 - proposed phasing RENUMBER former 3-6	HB 445 Phasing
Appendix 9 Preliminary Plat checklist			
	Supplements	ADD new v. Overall phasing plan and phasing schedule RENUMBER former v. to w.	HB 445 Phasing
Appendix 19 Final Plat			
	Supplements	ADD new item s. - final overall phasing plan and phasing schedule	HB 445 Phasing